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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,620	10/11/2001	Egon Brauning	UL 3.0-014	8373

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EXAMINER

HARRIS, STEPHANIE N

ART UNIT PAPER NUMBER

3636

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,620

Applicant(s)

BRAUNING, EGON

Examiner

Stephanie N. Harris

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-38 is/are pending in the application.
- 4a) Of the above claim(s) 21-24, 26-28 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20, 25 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Claims 21-24, 26-28, and 38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Specification

Claims 19-24 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 16, 17, 18, 25, 29, 30, 31, 32, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (USPN 4974904) in view of Hodgdon (USPN 5649740).

Regarding claim 15, Phillips et al. discloses a mounting for a seat as seen in Figure 1. The mounting comprises an annular member (36) having an outer peripheral

surface and a passageway extending through the elastic member so as to define an inner peripheral surface. A core element (26) is positioned adjacent to and in contact with the inner peripheral surface of the elastic member (36) as seen in Figure 2. An outer casing (30) is positioned adjacent to and in contact with the outer peripheral surface of the elastic member (36) as seen in Figure 2.

Regarding claims 16 and 32, the core element (26) has an axial through passage which receives hook (60) and nut (62) as seen in Figures 1 and 2.

Regarding claim 18, the annular member (36) is interposed between the core element and the outer casing.

Regarding claims 25 and 29, the annular member (36) passage way is tapered as seen in Figure 1.

Regarding claim 31, Phillips et al. discloses a chair that comprises a seat (11). An underframe (44) is connected to the seat via the mounting (30) as seen in Figure 2. A mounting is arranged on the underframe (44) as seen in Figure 1. The mounting includes an annular member (36) having an outer peripheral surface and a passageway that extends through the elastic member so as to define an inner peripheral surface. A core element (26) is positioned adjacent to and in contact with the inner peripheral surface of the elastic member (36). The outer casing (30) is positioned adjacent to and in contact with the outer peripheral surface of the elastic member.

Regarding claim 33, the underframe includes a central column (58) as seen in Figure 3. The mounting is arranged on the central column (58) as seen in Figures 1 and 2.

Phillips et al. Shows all of the teachings of the claimed invention but fails to show the use of an elastic annular member. Regarding claims 15 and 30, Hodgdon discloses an elastic member (30, 32) that is made of rubber (Col. 5, lines 10-13). Regarding claim 30, it is inherent that the core element (18) is made of metal, since it receives attachments of rivets and bolts (Col. 1, lines 52-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the annular member of Phillips et al. with the elastic member, as shown by Hodgdon, in order to provide increased compressibility of the elastic member.

Additionally, Phillips et al. fails to show the use of a tapered axial through passage of the core element. Regarding claims 17 and 36, Hodgdon discloses an axial through passage of the core element (18) is tapered (Col. 2, lines 38-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the axial through passage of the core element of Phillips et al. with the tapered axial through passage of the core element, as shown by Hodgdon, in order to provide a more secure connection between the core element and the elastic member.

Claims 34, 35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. in view of Hodgdon and Cohen (WO 90/14031).

Phillips et al. in view of Hodgdon show all of the teachings of the claimed invention but fails to show the use of a central column with an axially extending pneumatic spring.

Regarding claim 34 and 35, Cohen discloses a central column (4) that includes an axially extending pneumatic spring that has an extensible push rod with a top end, which extends into the axial through passage of a core element (18) (Page 4, lines 4-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the central column of Phillips et al. in view of Hodgdon with the axially extending pneumatic spring, as shown by Cohen, in order to provide ease of height adjustment for the occupant of the chair.

Additionally, Phillips et al. in view of Hodgdon fails to show the use a top molding that is connected to an outer casing. Regarding claim 37, Cohen discloses a top molding (2) that is connected to an outer casing (19) as seen in Figure 7. A seat (1) is connected to the top molding (2) as seen in Figure 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the outer casing of Phillips et al. in view of Hodgdon with the top molding, as shown by Cohen, in order to provide a more secure connection between outer casing and the seat.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to seat mountings: U.S. Pat. No. 5921628 to Glockl, U.S. Pat. No. 4605334 to Kalvatn, U.S. Pat. No. 6059363 to Roslund, Jr. et al., U.S. Pat. No. 6206335 to Huber et al., U.S. Pat. No. 730690 to Palmer, U.S. Pat. No. 2218963 to Stephenson, U.S. Pat.

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No. 6357827 to Brightbill et al., U.S. Pat. No. 5728049 to Alberts, U.S. Pat. No. 5769492 to Jensen, and U.S. Pat. No. 6106064 to Hibberd.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie N. Harris whose telephone number is 703-305-1838. The examiner can normally be reached on Monday-Friday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SNH

December 30, 2002


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600